EPSTEIN BECKER & GREEN, P.C.
Attorneys for Defendant
One Gateway Center, 13th Floor
Newark, New Jersey 07102-5311
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Document Electronically Filed

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MELISSA DARRABIE, Plaintiff, v. TIFFANY & CO., Defendant.	CIVIL ACTION NO. **NOTICE OF REMOVAL**

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Defendant Tiffany and Company (improperly named herein as "Tiffany & Co." and hereinafter referred to as "Defendant"), by and through its attorneys, Epstein Becker & Green, P.C., respectfully says:

1. Plaintiff Melissa Darrabie commenced this action on January 21, 2014 by filing a Complaint in the Superior Court of New Jersey, Law Division, Essex County, entitled Melissa Darrabie v. Tiffany & Co., Docket No. ESX-L-415-14. Said action is now pending in that Court.

2. Defendant received its first notice of the Complaint on January 31, 2014, when plaintiff served upon it a copy of the Complaint.

3. A copy of each of the foregoing papers, which constitutes all of the processes and pleadings to date, is annexed hereto as Exhibit A.

4. The above-captioned action is a civil action over which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1331, and is one that may be removed to this Court by defendant pursuant to 28 U.S.C. § 1441, in that:

a. The Complaint alleges claims arising under federal law in that plaintiff alleges that defendant violated the Family Medical Leave Act, 29 U.S.C. § 2601 et seq. See Exhibit A, ¶¶ 27 to 30.

b. This Court has original jurisdiction over the above-captioned action pursuant to the FMLA, which may properly be removed to this Court pursuant to 28 U.S.C. § 1441. See, e.g., Conoshenti v. Pub. Serv. Elec. & Gas Co., 364 F.3d 135, 140 n.5 (3d Cir. 2004) (stating that the District Court had jurisdiction under 28 U.S.C. § 1331 because the case involved a federal question, and that removal was proper under 28 U.S.C. § 1441(b)); see also Wis. Dep't of Corr. v. Schacht, 524 U.S. 381, 386 (1998) (stating that removal based upon federal question is proper where the plaintiff's claims "arise under" federal law).

c. This Court has pendent jurisdiction over plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

5. This Court also has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a), and this action may be removed by defendant pursuant to the provisions of 28 U.S.C. § 1441(a) because it is a civil action wherein: (1) complete diversity of citizenship exists among the parties; and (2) the amount in controversy exceeds $75,000.00, exclusive of interests and costs.

6. There is complete diversity of citizenship between plaintiff and defendant in this action as follows:

(a) Tiffany and Company, the proper defendant here, is a corporation organized and existing under the laws of the State of New York, with its principal place of business in New York, New York. Therefore, for purposes of 28 U.S.C. §1332, Tiffany and Company is deemed a citizen of the State of New York.

(b) Tiffany and Company's parent company, Tiffany & Co. (the improperly named defendant herein), is a corporation organized and existing under the laws of the State of Delaware, with its principal place of business in New York, New York. Therefore, for purposes of 28 U.S.C. §1332, Tiffany & Co. is deemed a citizen of the States of Delaware and New York.

(c) In the Complaint, plaintiff Melissa Darrabie, alleges that she is a resident of Bergen County, New Jersey. See Complaint introductory paragraph. By reason of said residence and domicile, plaintiff is a citizen of the State of New Jersey.

7. The amount in controversy of plaintiff's claims exceeds $75,000.00, exclusive of interest and costs.

(a) In her Complaint, in addition to equitable relief, plaintiff seeks substantial monetary damages and attorney's fees and costs.

(b) Based on plaintiff's wages and benefits and the nature and amount of compensatory damages alleged, as well as the attorney's fees and costs she seeks under the FMLA and New Jersey Law Against Discrimination, upon information and belief, the amount in controversy exceeds the sum or value of $75,000.00, exclusive of interest and costs.

8. All named defendants have been contacted and consent to this application for Removal.

9. This Notice of Removal is filed within the time provided by 28 U.S.C. § 1446(b) and the Federal Rules of Civil Procedure.

10. Upon filing of this Notice of Removal, defendant shall give written notice thereof to Arthur L. Raynes, Esq., Wiley Malehorn Sirota & Raynes, attorneys for plaintiff Melissa Darrabie, and defendant shall file copies of said Notice of Removal with the Clerk, Superior Court of New Jersey, Law Division, Essex County, Newark, New Jersey.

11. By filing this notice, defendant does not waive any defenses or claims which may be available to it.

WHEREFORE, defendant Tiffany and Company removes the above-captioned action now pending against it in the Superior Court of New Jersey, Law Division, Essex County, to the United States District Court for the District of New Jersey, wherein it shall proceed as an action originally commenced therein.

s/ David W. Garland
David W. Garland
Epstein Becker & Green, P.C.
One Gateway Center, 13th Floor
Newark, New Jersey 07102-5003
Telephone: (973) 642-1900
Facsimile: (973) 642-0099
Email: DGarland@ebglaw.com

Dated: February 26, 2014

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this date I caused a copy of the foregoing Notice of Removal to be served upon plaintiff, via first class mail, to Arthur L. Raynes, Esq., Wiley Malehorn Sirota & Raynes, attorneys for plaintiff, Melissa Darrabie, at 250 Madison Avenue, Morristown, New Jersey 07960. I hereby further certify that I caused a copy of Defendant's Rule 7.1 Corporate Disclosure Statement, Certification Pursuant to Local Civil Rule 11.2, Clerk's Order Extending Time Pursuant To Local Rule 6.1(b) and Civil Cover Sheet to be served upon plaintiff, via first class mail, to Arthur L. Raynes, Esq., Wiley Malehorn Sirota & Raynes, attorneys for plaintiff, Melissa Darrabie, at 250 Madison Avenue, Morristown, New Jersey 07960. I hereby further certify that I caused two copies of the foregoing document to be served via first class mail to the Clerk, Superior Court of New Jersey, Essex County Courthouse, 50 West Market Street, Room 131, Newark, New Jersey 07102.

s/ David W. Garland
David W. Garland
Epstein Becker & Green, P.C.
One Gateway Center, 13th Floor
Newark, New Jersey 07102-5003
Telephone: (973) 642-1900
Facsimile: (973) 642-0099
Email: DGarland@ebglaw.com

Dated: February 26, 2014

EXHIBIT A

Arthur L. Raynes, Esq. – Attorney ID No.: 002421981
Wiley Malehorn Sirota & Raynes
250 Madison Avenue
Morristown, New Jersey 07960
(973) 539-1313
Attorneys for Plaintiff, Melissa Darrabie

MELISSA DARRABIE, Plaintiff, v. TIFFANY & CO., Defendant.	SUPERIOR COURT OF NEW JERSEY ESSEX COUNTY DOCKET NO.: ESX-L- 415-14 Civil Action **COMPLAINT AND JURY DEMAND**

Plaintiff, Melissa Darrabie, residing at 130 Stuyvesant Avenue, Apt. 5B, Lyndhurst, New Jersey, by way of Complaint against Defendant, Tiffany & Co., says:

THE PARTIES

1. Plaintiff, Melissa Darrabie, is a resident of New Jersey living at 130 Stuyvesant Avenue, Apt. 5B, Lyndhurst, New Jersey.

2. Defendant, Tiffany & Co. ("TCO"), upon information and belief, is a corporation with its principal place of business at 15 Sylvan Way, Parsippany, New Jersey 07054.

ALLEGATIONS COMMON TO ALL COUNTS

3. Plaintiff was an employee of Defendant TCO for over thirteen years, most recently as a Senior Analyst.

4. In August 2013, Plaintiff was forced to take a two-month medical leave of absence from work due to her medical condition. Plaintiff's medical condition constitutes a disability under law.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
ESSEX VICINAGE
JAN 21 2014
FINANCE DIVISION
RECEIVED/FILED

5. Plaintiff was assured by Defendant TCO's Human Resources Department that taking medical leave would not result in the loss of her job.

6. A few days before Plaintiff was scheduled to return to work on October 15, 2013, she was informed that she had been terminated due to a "reorganization."

7. No other person who worked in Plaintiff's department was terminated.

8. Plaintiff was not offered any other position at Defendant TCO, nor was she offered the opportunity to interview for another position at Defendant TCO.

9. Plaintiff was discriminated against for suffering from depression.

10. Plaintiff was discriminated against for taking medical leave.

FIRST COUNT

11. Plaintiff re-alleges each and every paragraph contained in this Complaint as if set forth in detail herein.

12. The aforementioned conduct of the Defendant TCO, in singling out Plaintiff, a disabled employee, for discriminatory treatment and termination, constitutes discrimination on the basis of disability in violation of the New Jersey Law Against Discrimination ("LAD"), N.J.S.A. 10:5-1, et seq.

13. Plaintiff's disability was a legal cause of her termination.

14. As a direct and proximate result of Defendant's wrongful actions, Plaintiff has lost benefits to which she is entitled, and has suffered severe emotional distress, pain and suffering, humiliation, embarrassment, loss of income, and other severe financial losses.

15. Defendant's actions were reckless, wanton, willful and malicious such that punitive damages are justified.

WHEREFORE, Plaintiff demands judgment against Defendant for:

- Compensatory and punitive damages;
- Interest;
- Costs of suit;
- Attorneys' fees; and
- Such other and further relief as the Court shall deem fair and equitable.

SECOND COUNT

16. Plaintiff re-alleges each and every paragraph contained in this Complaint as if set forth in detail herein.

17. The aforementioned conduct of the Defendant TCO, in singling out Plaintiff, a disabled employee, for discriminatory treatment and termination, constitutes discrimination on the basis of disability in violation of the New York State Human Rights Law, Executive Law § 290, et seq.

18. Plaintiff's disability was a legal cause of her termination.

19. As a direct and proximate result of Defendant TCO's wrongful actions, Plaintiff has lost benefits to which she is entitled, and has suffered severe emotional distress, pain and suffering, humiliation, embarrassment, loss of income, and other severe financial losses.

20. Defendant TCO's actions were reckless, wanton, willful and malicious such that punitive damages are justified.

WHEREFORE, Plaintiff demands judgment against Defendant TCO for:

- Compensatory and punitive damages;
- Interest;
- Costs of suit;
- Attorneys' fees; and

- Such other and further relief as the Court shall deem fair and equitable.

THIRD COUNT

21. Plaintiff re-alleges each and every paragraph contained in this Complaint as if set forth in detail herein.

22. The aforementioned conduct of the Defendant TCO, in singling out Plaintiff, a disabled employee, for discriminatory treatment and termination, constitutes discrimination on the basis of disability in violation of the New York City Human Rights Law, Title 8.

23. Plaintiff's disability was a legal cause of her termination.

24. As a direct and proximate result of Defendant TCO's wrongful actions, Plaintiff has lost benefits to which she is entitled, and has suffered severe emotional distress, pain and suffering, humiliation, embarrassment, loss of income, and other severe financial losses.

25. Defendant TCO's actions were reckless, wanton, willful and malicious such that punitive damages are justified.

WHEREFORE, Plaintiff demands judgment against Defendants for:

- Compensatory and punitive damages;
- Interest;
- Costs of suit;
- Attorneys' fees; and
- Such other and further relief as the Court shall deem fair and equitable.

FOURTH COUNT

26. Plaintiff re-alleges each and every paragraph contained in this Complaint as if set forth in detail herein.

27. Plaintiff took a two-month leave protected under the Family and Medical Leave Act.

28. A few days before Plaintiff was to return to work, she was terminated.

29. Plaintiff's protected leave was a legal cause of her termination.

30. The aforementioned conduct of the Defendant TCO, in singling out Plaintiff, a disabled employee who utilized leave time under the Family and Medical Leave Act, for discriminatory treatment and termination, constitutes discrimination on the basis of disability in violation of the Family and Medical Leave Act, 29 U.S.C. § 2601, et seq.

31. As a direct and proximate result of Defendant TCO's wrongful actions, Plaintiff has lost benefits to which she is entitled, and has suffered severe emotional distress, pain and suffering, humiliation, embarrassment, loss of income, and other severe financial losses.

32. Defendant TCO's actions were reckless, wanton, willful and malicious such that punitive damages are justified.

WHEREFORE, Plaintiff demands judgment against Defendants for:

- Compensatory and punitive damages;
- Interest;
- Costs of suit;
- Attorneys' fees; and
- Such other and further relief as the Court shall deem fair and equitable.

JURY DEMAND

Plaintiff demands a trial by jury.

DESIGNATION OF TRIAL COUNSEL

Arthur L. Raynes is hereby designated as trial counsel.

CERTIFICATION PURSUANT TO RULE 4:5-1

I certify that to the best of my knowledge and belief the within matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding, that no other action or arbitration proceeding is contemplated, and that no other parties should be joined in this action.

WILEY MALEHORN SIROTA & RAYNES
Attorneys for Plaintiff, Melissa Darrabie

By: ______________________
Arthur L. Raynes

Dated: January 17, 2014

Appendix XII-B1

CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under *Rule* 4:5-1
Pleading will be rejected for filing, under *Rule* 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed

FOR USE BY CLERK'S OFFICE ONLY
PAYMENT TYPE: ☐ CK ☐ CG ☐ CA
CHG/CK NO.
AMOUNT:
OVERPAYMENT:
BATCH NUMBER:

ATTORNEY / PRO SE NAME Arthur L. Raynes	TELEPHONE NUMBER (973) 539-1313	COUNTY OF VENUE Essex L 415-14
FIRM NAME (if applicable) Wiley Malehorn Sirota & Raynes		DOCKET NUMBER (when available)
OFFICE ADDRESS 250 Madison Avenue Morristown, New Jersey 07960		DOCUMENT TYPE Complaint
		JURY DEMAND ☒ YES ☐ NO

NAME OF PARTY (e.g., John Doe, Plaintiff) Melissa Darrabie	CAPTION Melissa Darrabie v. Tiffany & Co.
CASE TYPE NUMBER (See reverse side for listing) 509 — HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE *N.J.S.A.* 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.
RELATED CASES PENDING? ☐ YES ☒ NO	IF YES, LIST DOCKET NUMBERS
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☒ YES ☐ NO	IF YES, IS THAT RELATIONSHIP: ☒ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS

DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☒ YES ☐ NO

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION

DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO	IF YES, FOR WHAT LANGUAGE?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

ATTORNEY SIGNATURE:

Effective 08-19-2013, CN 10517-English

Side 2

CIVIL CASE INFORMATION STATEMENT
(CIS)

Use for initial pleadings (not motions) under *Rule* 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery
151 NAME CHANGE
175 FORFEITURE
302 TENANCY
399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
502 BOOK ACCOUNT (debt collection matters only)
505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
506 PIP COVERAGE
510 UM or UIM CLAIM (coverage issues only)
511 ACTION ON NEGOTIABLE INSTRUMENT
512 LEMON LAW
801 SUMMARY ACTION
802 OPEN PUBLIC RECORDS ACT (summary action)
999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery
305 CONSTRUCTION
509 EMPLOYMENT (other than CEPA or LAD)
599 CONTRACT/COMMERCIAL TRANSACTION
603N AUTO NEGLIGENCE – PERSONAL INJURY (non-verbal threshold)
603Y AUTO NEGLIGENCE – PERSONAL INJURY (verbal threshold)
605 PERSONAL INJURY
610 AUTO NEGLIGENCE – PROPERTY DAMAGE
621 UM or UIM CLAIM (includes bodily injury)
699 TORT – OTHER

Track III - 450 days' discovery
005 CIVIL RIGHTS
301 CONDEMNATION
602 ASSAULT AND BATTERY
604 MEDICAL MALPRACTICE
606 PRODUCT LIABILITY
607 PROFESSIONAL MALPRACTICE
608 TOXIC TORT
609 DEFAMATION
616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
617 INVERSE CONDEMNATION
618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery
156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
303 MT. LAUREL
508 COMPLEX COMMERCIAL
513 COMPLEX CONSTRUCTION
514 INSURANCE FRAUD
620 FALSE CLAIMS ACT
701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)
266 HORMONE REPLACEMENT THERAPY (HRT)
271 ACCUTANE/ISOTRETINOIN
274 RISPERDAL/SEROQUEL/ZYPREXA
278 ZOMETA/AREDIA
279 GADOLINIUM
281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL
282 FOSAMAX
284 NUVARING
285 STRYKER TRIDENT HIP IMPLANTS
286 LEVAQUIN
287 YAZ/YASMIN/OCELLA
288 PRUDENTIAL TORT LITIGATION
289 REGLAN
290 POMPTON LAKES ENVIRONMENTAL LITIGATION
291 PELVIC MESH/GYNECARE
292 PELVIC MESH/BARD
293 DEPUY ASR HIP IMPLANT LITIGATION
295 ALLODERM REGENERATIVE TISSUE MATRIX
296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS
297 MIRENA CONTRACEPTIVE DEVICE
601 ASBESTOS
623 PROPECIA

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics.

Please check off each applicable category ☐ **Putative Class Action** ☐ **Title 59**